

Mass. Dist. ss. _ Civaint Court of the United States.

Oct. Term - 1818. Ubner Hearns Lal. Pifo. John Fall sal. Ifte The said John Fall and Starm Fall, de. and before judgment therew, come and move this tenourable bount that the said verdict be set uside, and a new trial awarded of the is sue jained in said cause - for the following reasons -First _ Because if the patent, which is declared upon in this action, be con struct as a patent for the entire machine, called a reel, described in the specifica tion, then the same includes parts, which at the trial were proved and in the said specification are admitted, to have existed in combination in a machine for sum lar purposes long before the supposed invention of the Pils, to wit, in the recl composed of four arms or two cross pieces, on which it was admitted that the cloth was swound in a square spiral, which reel is described in said speinfication as before in use; and the Judge, who charged the Jury at the trial of said issue, did direct them, that merely increasing the number of arms being specifically was not an invention, that world in law entitle the PIS to a patent - and did al. so direct them, that as it respected this patent, if the former square reclass be lieved to have been in use before the invention claimed in this patent, the Ofts. had a right to use the reel head resembling the hub and spokes of a wheel, and al so the spiral form of winding the will cloth and that the said patent, if it extended to the whole machine, and went to secure the exclusive right to every part thereof as their. vention of the Plantiffs, was twader than their invention and therefore wiel _ and therefore the raid juny, when this construction of the patent, in returning their said verdict, must either have found, that the said square recldid not so exist, which is a gainst the admission of the specification, and the admissions and eindence of the Hyps at the trial - or admitting the above fact, they must have gone upon the supposition that notwithstanding such prior use, the same might be secured by patent to the Pip and that their said patent was not thereby rendered ooid - in which case their said verdict is against the direction of the Judge in the matter flaw. Secondly - Because, if the said patent be construed as a patent for an inproved muchine, or for a certain combination consisting of the machine know and

used before, as set forth in the specification, and of certain in provements added there by the Pifs, then the right of the Pifs under their said patent must be confined to that precise combination, and it was necessary, in order to sup. port the Pifs case, and the Judge who tried the cause did so direct the Judy, that the machine weed by the Afts should, in all material and essential respects, be like the machine described in the Pefs specification, otherwise the combinations would not be identically the same, and therefore there would be no infringement - and that, if the ruck and pinion was an essentially different mechanical power from the sizew, then there appeared a substantial difference between the two machines, which destroyed their identity - and therefore, wasmuch as it was evident in inspection, that the rack and pinion was employed in the Ifts. machine to offert tho and parpose pushed the screw is employed in the Pips man chine, and It was also proved by divers witnesses on both redes, and was not contradicted, that the ruck and pinion is a mechanical hower essentially different from the screw, the said july must have returned their verdict in this particular either against the evidence, or against the direction of the judge in the matter of law. Thirdly - Because at the said trail it was clearly proved by the testimony of allan Pollock, by the admission of the Pifs, and by a public work, that hooks of different forms and sires, and of different degrees of finish

Thirdly - Because at the said trial it was clearly proved by the testimony of lettan Policiek, by the admission of the Pets, and by a public work, that hooks of different forms and sires, and of different degrees of finish and fineness, a conting to the nature of themboth, had been used for the purpose of extending cloth upor frames many years before the pretended invention of the Pets - and this evidence was not contradicted by any other evidence in the cause — and it was also proved by the said public work, and by witherns produced both by Pets and of the who when the meaning of the description good contained in the said public work, and was not contradicted by any other evidence in the said public work, and was not contradicted by any other evidence in the said public work and was not contradicted by any other evidence in the said publication of the Pets, the that many years before the said supplied invention of the Pets, the series was was become and had been used and applied for the pursure of moving one frame from or towards another, according of the world for also applied of cloth when attached to said frames to be defed - and it also applied of cloth attached to said frames to be defed - and it also applied of cloth

peared and was admitted by the said Pefin their specification, that before their said supposed discovery, a reel was in use for like pur poses consisting of four arms or two cross-pieces; and it also appeared and was admitted, that on such reel the doth was wound in a by means of tenter hooks set upor hours so there improvements spray to have been square spiral, and there were no their improvements spray to have been made in any essential parts upon the raid square reel admitted by the said specification to have been before in use, excepting only the in wearing of the number farms (which the said fudge directed the jung was not certific number being set out in said specification and as to which it are patent, and as to which it appeared from inspection of the machine weed by the ofto. That it censisted of eight arms only, while the machine produced by the Sifs agonally in the sides of the arms - and the aforesaid application of the screw - and the said Judge directed the Jury, when these facts, that if any or all of these improvements had been used by the Dife. yet if none of the same was new in its privable or mode of application, the Pefs would not in point of law support their action for suchuse. and therefore the raid verdict in this respect is either against the evidence or against the direction of the Judge in the matter of law. Tourthly . - Because it appeared in evidence as afresaid and was not untradicted by any testimeny, that the siren had been applied for stretching cloth between two pames, in the same manner as in the Fife machine, long before the supposed discovery of the Pefs, and the raid judge directed the juny, that taking this fact to be true, if the said for tent was construed as a patent for the improvements made in said square by the Off, then the said patent included what was not invented by the Off. to wit, the said server so application of the sures and therefore, upon this come struction of the patent, the said verdict is against the evidence, or against the direction of the judge in the matter of law.

Tifthly - Because at the said trial it was proved from an inspection of the machines, that the power which moved the moveable frame or reel head in one was a serew, and in the other a rack and pinion - and it also was testified and was not contradicted, that these are essentially different mechanical pours.

and it also appeared by inspection Isaid machines, and four divers witnesses, whose testimony was not contradicted, that the cloth upon the Dofts machine is secured to the arms by sods passing through steples and this the selvages of the cloth and that the purpose and design of certain small barbo cut upon said statile is merchy to hold the cloth until the rods are pushed through - and it also appeared, that said staples and barks rescubled mere the tenter houtes admitted to have been long in common use, than the hooks or fries on the Plfo machine - and it also appeared, that in the Hope machine, the doth is attached and secured by means of curved hardes or pins passing thos' the veloages and holding the clith this' the whole spe nation of dychig in and it also appeared, that these two parts of the muchine were the only parts, which had been improved by the Person the improvements being set out in their specification - Wherefore the raid verdict is against the weight of evidence and also against law in finding the raid Its quilty far in fringeners of the Pufs rights. Sixthly - Because after the evidence and the argument on the part of the of to had been closed, the raid of troduced and Examined Caltho objected to by Afts) another witness, namely, Doammi Baldwin Erg. who testified much at length upon the piniaples and cha ructer of the two machines, whereby the raid ofto. were surprised, having dis missed their witnesses on the preceding day after the enderce was supposed to be closed - and had no opportunity to comment upon or reply to the raid testimony Seventhy. - Because the patent declared upon is a patent for an in powement, and the said Pifs in their specification have undertaken to set out the in provements, for which they claim a patent - But the Pop at the trial alwest to gave evidence of, and binsis tot upon in argument to the juny, other parts of said machine as being improvements made by their to which the bofts. Bighthy Become meintene un product at the truit, theo sind Seamo in worted may front of raid machine weatherfur therein white ingrist the weight finder this wifet. Big thely Think purposes of this trial disect them the purposes of this trial disect them that the existence of two prior patents for the rame thing

granted to the same patentees respectively, stitl in force and not affect the validity of the patent declared on.

And did also dive it them, that the oaths of said Peforespectively made when they obtained the said prior patents, that they severally believed themselves to be true and original inventors of raid man chine, did not unclude them to shew a joint invention of the Same machine, and to claim as joint patertees therefor both which directions the raid Its. respectfully submit are inan rect in point of law. Ninthly - Forthly Because the said Jury, upon the whole weight of evidence produced at the trial, and upon the matters of law winhich they were instructed by the judge, night to have returned their ver diet, that the Its. were not quely - Yet, against the said weight of extract and against the said directions in matters of law, they have returned their said verdict, that the said of are quilty. Ly steen attenning Berntt and Jallion Tenthy - Because it was incum bent on the Plfs to make out and prove a Joint invention - but the evidence produced did not prove a trat the said Steams had any concon in such invention. by their attenies Prescott and Jallivon

Notion of Defts for New Trial 27. Oct. Liled in Lourd 27. Oct. Liled in Lourd AND Hedains Elk. May 16. Lente Occhory Brief Hatement

Make a chusette of the President of the Minited Hates of America Sistrict of the Marshal of our sistrict of Makachusetts or his sopuly Geal -We bournand you to attach the goods or Istate of San Hall of Boston in our said District and aaron Hole of Lynn, also in our said sistrict syers of Like to the value of forty thousand Dollars and for want thereof to take the bodies of the said John and a arow of they may be found in your district and them safely keep so that you have them before our Judges of bur liveril bount of said United States for the first bircuit next to be holden at Boston within an for our said sistrict of Mahuchuretts on the fifteenth day of Setoles next: Then and there in our said board to answer unto Miliam Barrete of Mulden Syer of Filk in our said birtich and abner Flearns of Billerica in our said District Milwinghe alias Me charician. In a plea of the base for that whereas they said Barrett of Stearns citizens of the United States invented a new and weeful improvement in the art of dying and finishing with wowen goods and made oath that they did verily believe that they were the true inventors or discoverers of said improvement and paid into the Treasury of the Me States the sum of thirty delians delivered a receipt for the same and presented their petition to the Secretary of Hate signifying their desire of obtaining an exclusive property in the void improve ment and braying that a patent be granted them for that purpose whereupou thereafterwards to wit at the lity of washington on the ninth day of Leptember now leverent by certain tetters hatons made out in due form of law in the name and under the Seal of the United States dated on the day last aforesaid which said tetters fratent are now in bourt to be produced there was granted to the said Barrete & Steams for the term of four years from the twelfth day of May then next preceding the full of exclusive right and liberty of making constructing and using and rending to others to be used the aforesaid Improvement as the same is described in the specification filed in the office of the Secretary of State of which a sche dule is annexed to said tellers patent and now in bourt therewith to be produced. and the Fifts in fact say that the defendants well knowing the premises but contriving and fraudulently intending to injure the Piffs in this behalf did on the dame day to wit on the twelfth

day of May last past and fra long time before and at divers days and times from said day to the day of the purchase of this writ to with at Sym aforesaid in our said sistrict without the bonsent of the Plfs or either of them first or at any time obtained in writing did unlawfully make use and construct the said improvements so as aforeraid exclusively secured by Patent to the Plps contrary to the form of the Statute of the It States made and passed on the twenty first day of Tebruary a D Seventeen hundred and minety three, on titled on act to promote the progress of the weeful arts and to repeal the act heretofore made for that purpose. By mean of which and by force of another Statute of the United hater made and paped on the seventeenth day of april a D Eighteen hundred, entitled an act to extend the privilege of obtaining patents for useful discoveries and inventions to certain persons therein mentioned and to enlarge and define the prenatties for irolating the right of patentees, the defendants have forfeited to the Plfs a sum equal to three times the damago sustained by the Plfs from or by reason of the premises which actual dam ago the Elfs over is equal to the our of ten thousand dollars and an action hath account to the Pys to have and recover of the defendants the sum of thirty thousand dollars . of all which the Defendants have had due notice. Yet though often requested they have never paid the same but refuse to the damage of the said Plfs the sum of Forty thow sand dollars,

he United States of America To all to whom these letters Fatent shall come: Whereas Alm, Fram und Milliam Vanele litizens of the Muiled States have alleged that they have invented a new and weful improvement being a mode of dying and finishing all kinds of Telk Woven Goods which improvement they state has not been known or used before their application; have made outh that they do verily be lieve that they are the true inventors or discoverers of the said improve ment have face into the heaving of the United State, the sum of thirty dollars, delivered a Receifs for the Same, and presented a petition to the Secretary of State origing a serve of obtaining an exclusive property in the said improvement and praying that a patent may be granted for that purpose: There are therefore to fant according to law to the said abner Hourns and William Burnett their heirs administrators or assigns for the term of four years, from the welfth day of May one thousand eight hundred and eightein the fun and exclusive right and liberty of making constructing using and reading to others to be used the said improvement; a description where of is given in the words of the said Abner Slearns and William Barrete themselves, in the Schedule, hereto annexed and is made a part of these presents. (In testimony whereof I have caused there tetters pared to be made Patent and the Seal of the United States to be hereunto officed. Given under my hand, at the lity of wash. ington this winth day of Soplember in the L.E. year of our Lord via thousand eight hund ' red and eighteen and of the Independence: of the United Hater of america the forty third Sames Monroe
By the Possident Ashn Quincy Odams Foretary of State

lity of Washington, To let I do hereby lerify that the foregoing letters datent were delivered to me on the ninth day of Schlember in the year of our Lord one the and eight hundred and eighteen to be examined! that have examined the Same and find them Conformable to law; and de hereby return the same to the Lecretary of Hale, within fifteen days from the date aforesaid to wit on this ninth day of September in the yearaforeraid (Ifm Mist Ellomey General of the United States The Schedule Referred to in there letters Patent- and making part of the. Same, containing a Description in the words of the said abover Steams and William Barrett of their improvement being a mode of dyping. alld finishing all Kinds of Silk woven goods .-The Reel is designed to extend the wilk when immersed in the dye stuff so that this may hap freely and come in contact with the whole surface of the silk or material to be dued and yet the silk or material shall occupy the smallest possible or convenient shace in the dye tub. This inachine consists of two setts of arms each re sembling in form the but I spokes of a wheel without the rime or fellies. In the hub of one is formed a female screw; in the other a smooth cylindrical hole in which one end of the axle may freely tum. The acle consists of a male screw, except that one and thereof is turned smooth to adjust to the hole of the hub that is smooth, and the other. end is for an inch or las square) to receive the eys of a winch or crunk It is about three or five feet long. The make screw of the acte is cut to fit the female screw in the hub having the same therein. The two sets of arms are besides connected with each other by two square bars of wood or metallic substance like the asle. One end of sach is decurely fixed to the hub, having the smooth hole, and the other ends are adjusted to square holes made in the other hut through which they slip.

or pass as the hubs or sets of arms are made to approach each other and This prevent the hubs from turning as the Screw acte is turned wand for the purpose of approximating or withdrawing the setts of arms to or from each other. Thus it is easy to herceive that with on sets of arms held on to the smooth cylindrical end of the acle by a fin and washer or otherwise so that the Oak may freely turn therein or in the hit thereof: the other sets of arms having the fomale Sirew will be made to approximate to or record from this as the seren cicle may be turned, to or from by a handle or much winch offind to the square end of the Cale The willy of this movement will pre-The hubs of the setts of arms may be made of any convenient size. The dimensions adopted in practice at present are as follows. The material any metat or metallic composition. The last however has been adopted in practice. The Fled is about five inches in diameter, and two inches thro' is morticed to receive the arms which are flat square about sinteen inches long. But takening from the hub to the end . Whon the sides of these arms or shotes are Secured small braf fins which are so set in groves, cut into the sides of these arms transversely and diagonally that the kins inward and apwards and divergently from the acte. The distance between these pins Is quite small about three secteenths of an ine inch. The mode of ap. blying the silk and immersing the same is as follows . Both sets ofarm, being placed on the able as above represented. The Machine is support Ed by the acle on two standards outside of the Orms horizontally. The tall with the female screw is then approximated by turning the winch to a distance from the other a little less than the width of the material to be dyed . one end of the silk is their attached by the operator to oppotite arms upon the pins therein nearest to the arde and then the ofurator the turning the machine in a spiral form little from tumself the silk is Justher, attached to the next-arms by the fins

nearest the are und so on successively tits the whole is attached and wound round whom the machine in an Alexal forme. Then turning The some acle by the winch the sets of coms having the female screw of therein recedes by a regular motive susceptible of the most accurate e adjustment to the wiath of the silk: and then it is held perfectly extend new between the arms and by the selvidges in such a manner as not of the be in contact with itself but to leave free palage for the dye stuff. a to apply itself equally to every part of the whole surface and in this Alite of tension it is immersed by operation of a tackle and full allached to one end of the axle untill it be properly saturated or o dyed. It is aborous that the silk by this means may be most cou wenieutly reced and most readily drained. It is also apparentthat the position of the fins on the arms they inclining expensels and bending a title from the operation as he applies the silk must facilitate both the application of the material for during and the dislugagement thereof after this operation is performed. A There has been it is said a real heretofore in use for like purpose but this if it were ever so used consis ted of four arms or two crops pieces adjusted to a square ande , and the sett of arms were Kept seperate or fixed upon the ace, not by a screw but by him hafring through holes in said acle. Instead of pins afficed to the arms there were common tenter hooks driven into the inner side of the arms and the whole so constructed is to be utterly inapplicable to the purpose of dyping silk or other Goods without great injury. The machine for which these applicants claim a Putent is in all material respects an improvement whom this. I the design of the Sith frame is to extend the sell for sting drying and finishing and it is contemplated to use it for all Kinds of Goods which

in the operation of dyping require to be so extended. It is a wooden frame consisting of fourteen posts about four feet or more in heighth connected by rails in such manner as to be perfectly solid and firm. The opposite posts are connected by two strong rails of about eight feet in length one at bottom and one within a few inches of the top well morticed and towanted into the posts. while two strong pieces of plank lying whom the bottom connecting rail leaving a space a space of about two feet more or or help between them are firmly secured to these said bottom rais A strong rail is fastered to the posts throughour the whole length of the frame, and thus give it all requirite solidity and firmnels. Upon the upper rail connecting the opposite posts which are placed at a distance of ten feet from part to post along the length of the frame are lain two pieces of plank sixty feet long and about eight or ten inches wide. These are made to move or slide on these upper rails so that when the silk is attached to their inner, edges they may be with drawn from each other tile the requirite degree of tension is obtained. The mode in which the silk is attached to the edges of these cheeks and then the cheeks withdrawn is as follows. The inner edges of the cheek are covered by a thin plate of boffer about half an inch wide nicely attached thereto. Fixty pieces of wood out from board or plank say from an inch to an inch and a half or two inches thick about a foot long on one side and cut up in triangular form are adjusted to each check. The base being as above one footulongth it is attached by hinger the the superior surface of the cheeks in such manner that the edge of the base will councide exactly with the inner edge of the cheek when the peice nexts on its lave. On this two there is a copper exiging and thus this bopper edging when these pieces are raised whow their bases come closely in contact with the copper edges along the line of the inner, edges of the cheeks and by firm prepure are made

to hold the selviages of the silk so to the outer, side of these peices which are called tap joints are attached some iron stays about six or eight inches long being a little longer than the bap joints are wich or high. These stays are attached by, a staple or eye to the upper pan of the lap doints and the foot of each is made to slide into a growe cut in the superior surface of the cheek and lined with copper so that by forcing the fool of the stay into the growe the lap soint is made to press firmly whow the solvidge of the with when lain whom the copper edge of the cheek. The silk is first-secured by, one selvedge to one cheek, then the other cheek being approximated sufficiently the operator in like manner, applies the selvidge to the other check edge and secures it by succeptively raising up and securing the lap souts. The former cheek is fastened to the upper rails by Strong iron pins paping through this and the daid connecting rails of opposite posts. The other sheek which is called the front-cheek is their gradually withdrawn like the silk is perfectly extended. The mode of with drawing the front check is thus . To This cheek opposite each post all of which ou this side our two feet above the cheeks are attached several pieces of iron long ewough to pass through the posts on which the hours peices of iron are cut screw threads so that nuts being set in wheels and applied to said peices of iron by the turning of all the wheels simultaneously and with equal velocity the whole from cheek is gradually withdrawn till the proper degree of tension in the silk is obtained. These wheels are fut in motion by a chain band carefully adjusted so that the links thereof embrace project ions in the periphery and the power is applied indifferently to either wheel by a hin six or eight inches long thereto attached

to serve as a handle or winch, There may be other modes of with drawing the front obsert but the special subject of Fatent for which betters are claimed is the mode of securing the silk as above des cribed, by lap soints and the gradual and exact tension obtained by the withdrawing of the whole front cheek simultaneously and equally at one operation as aforesaid in these and in all material respects this frame is an improvement whom the fin frame formerly, in use and also a frame that was constructed to hold the selvidge by pieces of board lain flat whom the cheeks and forefred by wooden screws attaching them to the cheeks. The copper edges being a very considerable improvement-on this last men tioned frame which had become useless by reason of the absorption of the dye stuffs in the wooden edges of the charles and states or towns above mentioned I the silk being this extended the ends thereof so as to hold the ends and the whole is ready for the operation of drying and finishing which is done thus. Upon the peices of blank which are described as fastered upon the lower crop rails that connect opposite hors is placed a snoveable car, running on four wheels which is made to contain books and more at pleasure beneath the silk as the operator proceeds in the finishing. This being accomplished the silk is delivered from the lap Souts by removing or stiding a way the stays and be immediately folded for use. Abner Steams Autrefiel William Barreto the Techam Curtis Geo Fullivan · Found & Curtin)

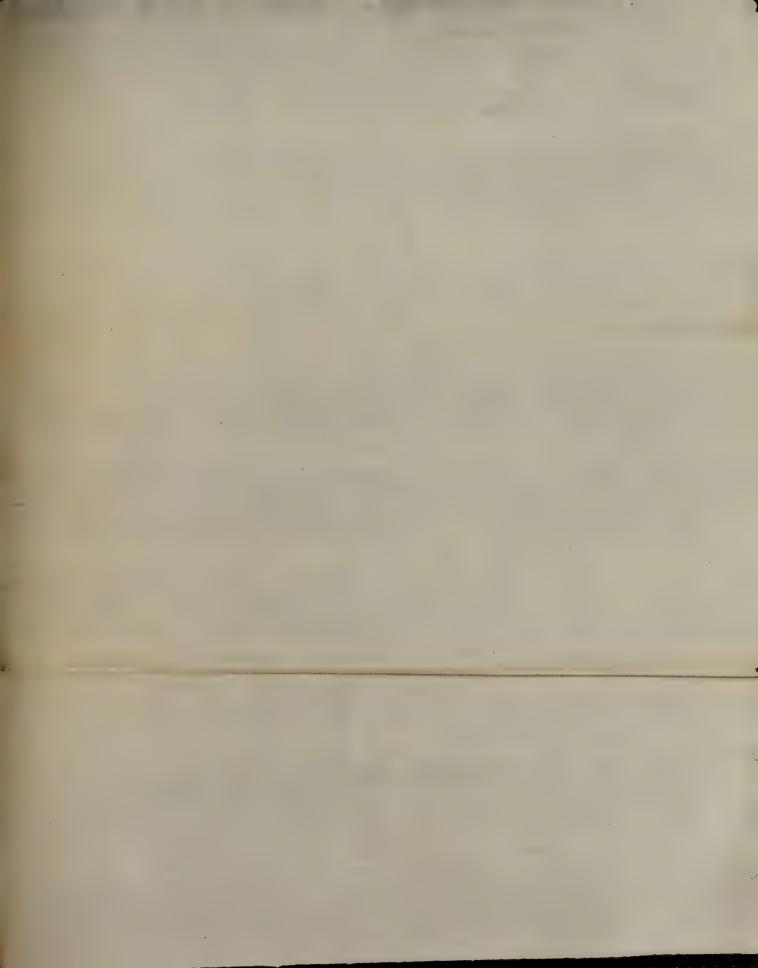
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Mass. Dist_ Civinit Court of M. States_ Oct. Term - 1818 Mner Reams dal. is John Hall dal.

And now the said who and laron come and defended when are and say, that they are not quitty of the premises a foresaid, above laid to their charge, ner of any part thereof, in man ner and form, as the said Abner and William have above corn, plained against them; and of this they put themselves in the country by their atty. John Jallion on the lighter and form of the Jallion

And the said The Hall and Claus Hall, in pursue ance of the statute of the United States in this behalf presided, hereby give notice to the said Steams and Barrett, that at the trial of the said action, they shall give evidence to the jung the trial of the said action, they shall give evidence to the jung the letters futent mentioned to prove, that the thing secured by the letters futent mentioned in the Ptaintiff wint was not originally discovered by the said in the

Abner Fearus and William Barrett - but had been in use and had been described in a public work anterior to the supposed discovery of the said Feares and Barrett. 2th. That the mode of dying and finishing all kinds of silk uven goods described in the specification annexed to the said letters patent was not originally dis covered by the said abner and William - but had been in use and had been described in a public work anterior to the supposed discovery of the said abnevated 3 thy That the said Ulner and William sump titionsly obtained a patent for the dis covery fandher from son vir some person to the Aft. unknown. And the said John and Claron pray, that the Juny may enquire into the aforesaid special matter, and in their verdict certify, whether they find the roome blo true by their ally John Sallison



Steamand. in Fallach.

At plea.

2. Och in the Elica Price.

William Barreto of Malden Dyrr of Silk an the Sutrick of majacherfly and abnen Flanny of Billenew in the said Dutick Milowright & Mechanician (IMfo vs John Have sof Bottow in the said District and aaron Hale of Lynn also intaid Sistner Dyon of Silk Defendants, In a plea of the lase This action was commenced of the last term and was contin. and counts This term. This now neether harty appears_

the state of and design them in the state of the state of in a series of the continue of Willy the to the wife the dead Stereness From the service of the service of But on with Red of and the west toom and to me to the services the state of the second st a series of the series of the

bon le-May Tom Inthe case of Burrette & al ws. Hallyal apreed the action be dismussorwhout costs to either harty - Gestuller Ah ally for the John Gallison for Afts.

Burrett ad. is Hall and

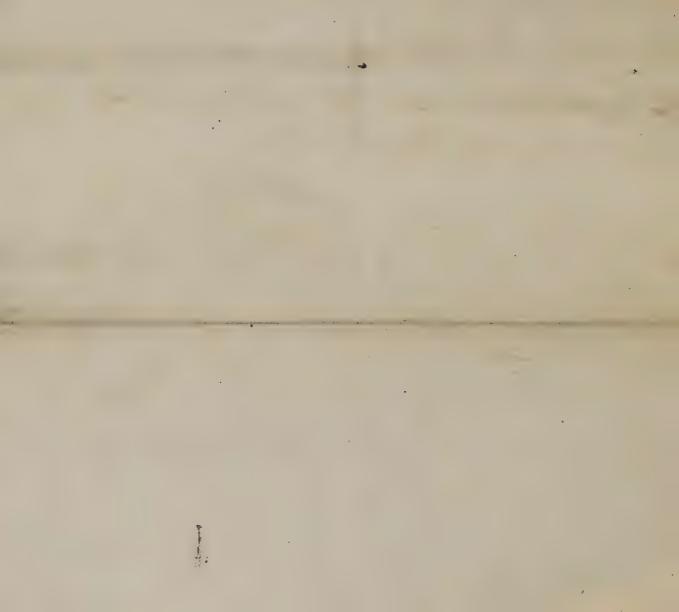
Circuit Et Mundit- May 7. 1814 Et- Mo. 20. Elm Barrett sal in The Hall chal. Ella fee to be ful. by Pyfil Tevania 3 WEtnesser __ Usamina Verbock piling & Kapen -0.56 \$1.36 1.92 Elhopeesto be for by Definite. Sweaning 12 Witnesses _ 7.20 Jiling 4 paper _ 0.24 3 Certificates _ 0.60 Estain Ober of the \$2.64



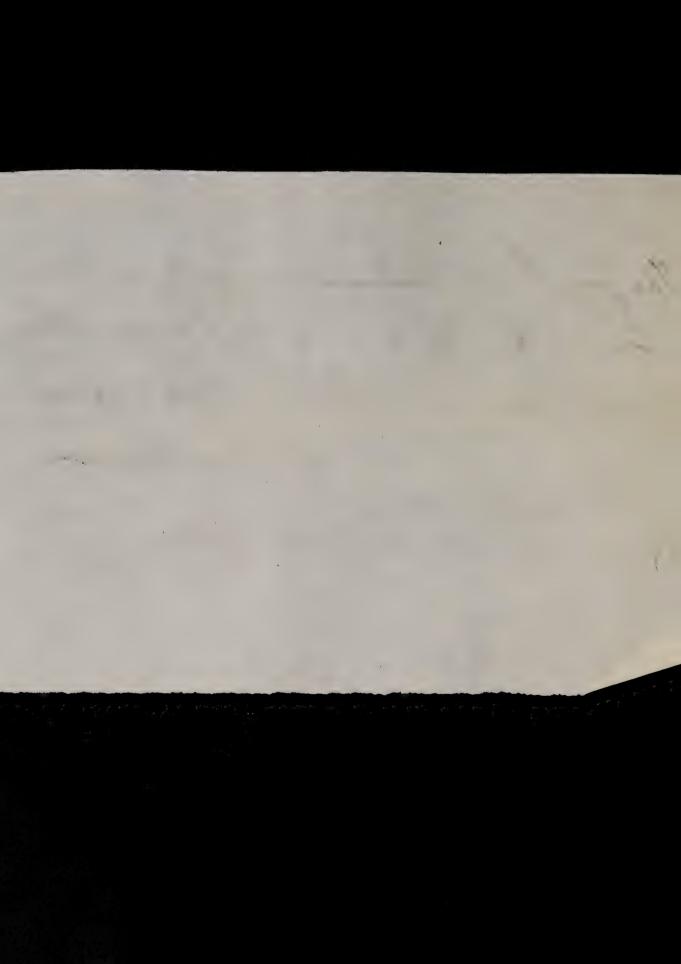
The Jury find the defendants, have infringed the rights of the plaintiffs, and assess damages, to the amount of twenty dollars.

· Mm Jorrey foreman

All The office



The Juny find the Defendants are quilty in many and form as the Pop have declared against them and assess damages in the sum twenty dellars Det. T. 124. Det. 1. 1818. Affirmed in Ex. 1818 Intelledain Elle



In the case of abover Steams dal. Ph. John Hall dal. Its. The said John Stall and Aaron Stall, in addition to the special matter before filed by them, and not waiving the same, nor waining any right they may have to give in evidence other matters not herein particularly set firth tending to prove, that the thing secured by patent to the said It's was not originally dissovered by them, or that some part or parts thereof were not so discovered, but had been be fore wed, or described in a public work or works - and reserving to themselves all other rights which they have by law - set forth the following mutters to be given in evidence at the trial of said cause - that is to Phat the said letters patent grant and sewe to the said patentees the exclusive right of making, constructing, using, and vending to others to be used a machine, which was not originally invented by them _ be cause
1. The method of extending the silk or the stuff upon a frame or real, so that the folds may be separate, and that by

Circuit Court of the United States _

Oct. Term_ 1818.

dipling the same into the bath every part of the surface there of may come in contact with the colouring liquor, is not new, but had been used and fractised, and described à carious public wirks long before the said Plfs pretend to have discovered or word the same _ and more especially, that the same was used many years since by one Mis Murphy in the Country of tissex in this State, who employed a reel, on which the stuff was wound circularly. - and was known and in common use in England and France - and is described in Berthollets blements of Dye ing quoted in Couper in Dyeing _ in Read Cyclopsedia _ and in the treatise of Le Pileur D'apligny on the Dycing of Cotton and Linea Arread and of stamping cottons, silks de and a translative thereof published it Londonith year 1789. 2. That reals or pames have been long used for the purpose of putting silks and other stuff into the bath, which were so formed, that the part having one schridge of the silk

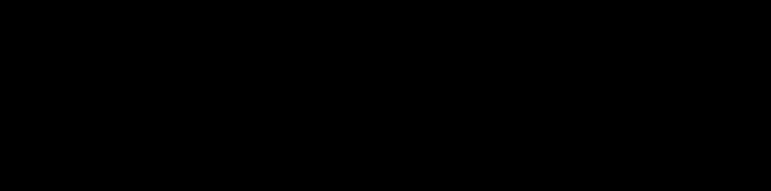
on the shift attached thereto might be removed to a greater diviana

run that, having the the fait of the stuff attached thereto - and that the mode of adjusting the distance of the two frames or sets of arms of the reel by means of a screw-axle is not new, but was long before known und weed, and is described in a foublic work, to unt, in the afresaid-heatise of La Pilan D'apligny, and transla. 3. That the attaching of the silk or other stuffs by means of nortes pussing through the selvidges is not new, but was line before known and used, and described in the africaid treatise of D'apliany 4. That the said pretended dis covery of the said Hearns and (Barrett was never wintly invented by them but the same, if at all invented by either of them, was the inventor of the mid I camo alone, or of the said (Barrett alone - or that one of them invented some parts thereof, and the the invented other parts thereof-John Jullion - Alty for Afts.

Agreed that Deto. have the some right, as to gaing special matter in evidence, as if this a their inquial notice had been filed think days before trial Glo fullwan Atty for PSG.

8h. I. b. mthe socialisation.

The President of the United States of America MASSACHUSETTS DI TRICT, ss. To the MARSHAL of our District of MASSACHUSETTS, or his Deputy-GREETING WE command you to attach the goods or estate of John Hall of Boelin and Aaron Kall of Eymon wow had Bistant in in our District of Massachusetts, dyen of tilk to the value of the thousand dollars, and for want thereof to take the bod wof the said form and faron (if he) may be found in your District) and them safely keep, so that you have before our judges of our Circuit Court of said United States for the first circuit next to be holden at Boston, within and for our said District of Massachusetts, on the day of Watter hext Then there, in our said court, to answer unto William Burrett of this your our saw Destrut & with Dyer and abner Hearns of Billerica also in invanid District millionight alus mechanicas in aflea of tenter touthand on the case for hat whereas by certain letters halent made out is au form of law in the name and who er the seal of the uneter States and in court to be produced the was granted to to fleffs celvers of the United States the full and exclusion might filiberty of making constructing using and vending to other to be used their anventum of two machines for ageing and drying tilk and all kinds of woods good to Atto fles in fact say that to Deprovents well knowing to formers of centroning and boundary witerday to regime to feller to the formers of centroning and month and at dever between first vayof Navember to the tweleth Day of the instant worth and at dever between first vayof Navember of the that Said wellt vay of her worth and at dever between first profes or with a thing behalf ford allumns in with all under first to work and use to saw invention so un will by the boffs of security and under fully device make and use to saw invention so un will by the boffs of security to them as apresaw contrary to two form ofthe Statute of the United States made spanner to twenty fact day of Tobusony in the year opour Low one thousand sever hund new and ninety this entitled an act to fromoto the progress of weful and and to repeal to act developore made for that hurhose. By means of which and by fine of another Hatuto of to united States made & Lassed to twenteenth say of about in the your of our lord explices bunded entitled an act to extend the privilege of obtaining hatents for unful deserveries and inventions to certain hersons therein mentioned of to calarge of define the linalties for violating the rights of patenties to defendant has forficted to the fifty a num equal to those times the actual damage ourtained by the Mis from or by reason of the fremises which actual dumage the Hoffs over is equal to the num of ten Thousand dollars and an action latte arened to the colfs to Lave end occover of to Defendanto the sent sum of thesty Housand Dollars yet to Defendants though flu requested have never haid the Said some of the last mentioned him sor any find theref-



To the damage of the said Planniff the sum of forty Thousand dollars, which shall then and there be made to appear, with other due damages. And have you there this writ, with your doings therein. Witness the Hon. John Marshall Esq; at Boston, the Twelvell day of lettember in the year of our Lord one thousand eight hundred and sufficien Clerk.

alless 1 a don

The President of the United States of America MASSACHUSETTS) To the Marshal of our District of Massachusets, or his Deputy ... GREETING. WE command you to attach the goods or estate of John Hall of Borling in our said Destruct and a arrow that of Lynn also now part Destruct Dyen forth in our District of Massachusers John Hall of Boeles setts, to the value of forty thrus and dollars, and for want thereof to take the bod is of the said John & aurum (if hey may be found in your District) and thrus safely keep, so that you have them before our judges of our Circuit Court of said United States for the first circuit next to be holden at Boston, within and for our said District of Massachusetts, on the day of Busber next : Then and there, in our said court, to answer unto Dyrof Selle no our said Destrute and alres Steams of Bollenia is ar saw Drobnet Bullworth aleas mechanicas un a fier of the care for that whereas they said Barrets of Steams cutivens of the united States invented a new gunful improvement in the mode of dyely and finishing silk woven goods and made outs that they did verily believe that they were the true inventors or discoverer of aid unknowement and had into the treating of the ustates to sum of thirty Dollars delivered a occupto for to same and presented their petition to to Levelary of Mate ofrefyre their aunin of obtaining an exclusive brokerty in the said in: Gorovement and manying that a fateat be granted their portlat harhou therether there afterwards to wit at its city of Markington on the ninto Day of lettember now current by certain letters fatint made out is are forms of Law in the name and under Hotel ofthe United States dates on the say fast apresaid which saw litter atent answer on Court to be produced there was granted to the tail Planette of them for the term of four years from to twelvet Day of may the next housing the full genelusive right and liberty of making constituting and using and vending to others the uses to apressed Inprovement as to same is described in the their feation will in the office of the scenetary of state of which a whetale is as: giged & sund latters tatent of ours in court thomasts & reproduced , and the plats in fact day that the Defendants well knowing the memises but contriving & paudulenty intending & injune to Alfs in the belass dis on the same Day tout the twelve Day of may last fact and for a long time before and at divers days and limes from saw Day to the Day of the purchase of thes work towit at Lynn apresais in our said Destruit askout the consent of the PM ont set setter of ten fight or at any time to gottained in senting did unlawfully make use and construct to said improvements to as afresaid. secured by Patent totto Plfs_ contour & to form of the Nature of the U States made & farses on the twenty first Day of Tab. many as seventer hundred grinity three entitles an act to promoto to mojous of the uneful arts and to refeal the act veretoine made for that purpose. By meens of which and by force of another Statute of the united States made glassed on the seventually Day of April and explien hundred centelled as act to extend to mirilyer of Ablaining Latents for useful acoveris finentions to certain bersons therein mentioned and to unlarge and define the henalters for violating to right of hatentees the Dependants have forfeited with helfs a dun agreal to three times the asmage ourtained by the bolfs from or by reason of the premises which actuals darmage to Alls over is equal to the sum of the tousand Iollan and an action latte account to to the to Lave and recover of the Defendants the sum oftherty thousand Dollars to Definiants have has due notice quester they have never has to some but To the damage of the said Mff dollars, which shall then and there be made the sum of forly Howard dollars, which shall then and there be made to appear, with other due damages. And have you there this writ, with your doings therein. Witness the Hon. John Manhall Esq.; at Boston, the in the year of our Lord, one thousand eight hundred and caphlein day of lefternber Wel Brain ; Clerk.

I estrict of mass It II ? fundament to the within proceeds Unta State of Common Succes reasons of gene to each a dummin a hound appear as herein sequench = Costar Explanter 15 AM mague by me

The United States of america, _ To all to whom there foresets Setten Seitent Munas, Abur Hains and William Barrett Citizens of the United States, have alleged that they have invented a new and useful improvement being a sur de of dyring and finishing all Kinds of silk woven goods which improvement they Made harnet been Known or used before their application; have made outh that they do verily believe that they are the true inventor or discove sen of the said improvement; have fraid into the treat sury of the United States the sum of thirty dollars, deliceni a receipt for the same, and presented a petition to the Secretary of Hate Signifying a derive of oftaining an exclusive property in the said amprovement, and praying that a Palent runy be quanted for that purpose: There are therefore to grant according to law to the said abner Hearns and William Burrete, their hein administrators or aprigns for the lam of fourther year from the twelfth day of may one thou -Sund eight hundred and eighteen the full and Exclusive right and liberty of making constructing, wing and vending to others to be weet, the said unprovement, a description whereof is given in the words of the said abover Heavens and Milliam Barreto themselbe, in the Schedule hereto annesced and is made a part of the presents. In testimony whereof. The avecaused

the Letters to be made Patent and the Seal of the United States to be hereunto affined . _ livew under my hand at the lity of Markington this neath day of Leptember in the year of our Lord one thousand eight mendsed Frac and eighteen and of the independence of the United Hates of americal the forty third. Fames Monroe By the Provident Who Quincy adams Jeordany of State do hereby certify that the fore going Letters Palent were de livered to me on the night day of Leptember in the year ofour Lord one thousand right hundred and eighteen to be brumind that I have examined the same and find them conform. able to law; and I do hereby return the Same to the Secretary of Haw within fifteen days from the date aforesaid, to wil on this minth day of Leptember is the year aforesaid allorney general of the united their The Schedule refered in these Letter Felent and making hart of the same containing a description in the words of the said abner Stearns and William Barreto of their infrovement, being a mode of dying and finishing all Riveds of with The reel is designed to octend the silk when

immerced in the dye stuffers that this may pass freely and come in Contact with the whole Surface of the Silk or material to be dyed and yet the Silk or material Shall occupy the smallest possible or convenient Space in the dyet tub, This machine counts of two sety of arms each resembling in form the hell and shokes of a wheel without the sime or fellies. In the hub of one is formed a fernale screw; in the other a Cylindrical hole in which one end of the arts man freely turn The arte consist, of a male forew except that one and there tis turned smoth to adjust to the hole of the hub that is smooth and the other end is for an inch or two Aquare to receive the yes of a winch or crank. It is about three or five feet long. The male Serew of the acle is cut to fit the female screw in the hub having the same therein. The two sets of arms are besides connected with each other by two Lynare ban of Wood or metattic Substance like the acle. One and of each is securely fixed to the hub having the Broth hole and the other ends are adjusted to square holes made in the other hab through which they slip or hap as the hubs or Act of arms are made to approach each other and thus he veul the hubs from turning as the Derew ach is turned tound for the purpose of approaching approximating or with drawing the setts of arms to or from each other. Thus it is easy to herceive that with one sett of arms held on to the small cylindrical end of the axle by a him and washer or otherwise to that the acle may freely turn therein or in the hub thereof

the other sete of arras having the female Serew with be made to approximate to or second from this ai the Screw and may be lurned to or from by a handle ar winch affixed to the Aquare and of the arche. The Attitity of this movement will presently appears - The hubs of the Actis of arms may be made of any convenient dire. The dimensions adopted in practice at present are as follows. The material any metal or metatice composition The last however has been a dopted in practice. The hub is about five inches in deameter and two inches through, is morticed to receive the arms which are flat square about dixteen sinches long but tapering from the hub to the end. Whom the Dider of these arms or shokes are secured Small braf him which are sosete in groves cut into the sides of these arms transversely and diagonally that the pins point suward and upwards and divergently from the acle, The distance between there Juin is quite Amale about three sixteenths of an inch. The mode of applying the Allk and immering the same is as follows! - Both detts of arms being placed on the axle as above represented. The machine is supported by the axele on two Handards outside of the arms horizontally. The sets with the female Screw is then approximated, by turning the winch, to a distance from the other a little lef than the width of the material to be dyed. one end of the silk in then attached by the operator to opposite arms when the hins therein men to the acle, and then the operator turning the machine

a little from himself the silk is further attached to the next arms by the him nearest the axle and so on succepivelytile The whole is attached and wound wound whow the ma chine in a spiral form, Then turning the Acrew axte by the winch the set of arms having the female I crew therein recedes by a segular motion susceptible of the most accurate a djustment to the width of the filk, and this it is held herfect, extended between the arms and by the selvidge in such a manner as not to be in contact with itself but to leave free hapage for the dyestiff to apply itself equally to every hart of the whole surface, and be in this State of tensive it is unnered by speration of a tackle and fall attached to one and of the acle untils it be property saturated ordyed. This dvious that the silk by this means may be most conveniently rinced and most readily drained . Also it is apparent that the post tion of the hims on the arms, they inclining uplerands and bending a title from the operator, as he applies the Ath, must facilitate both the application of the material for dying and Max disengagement thereof after this speration is herformed. There has been it is said a reel heretofore in use for like hum hose; but this if it ever were so used consisted of four arms or two Crop pieces adjusted to a square acle and the sets of arms were Kepr separate or fixed whow the arche not by a sew but by pins haping through holes in said and Intend of pin afficed to the arms there were common but tenter hook,

driven into the inner side of the arms and the whole so con Structed as to be utterly inapplicable to the purpose of dying silk or the goods without great injury. The machine for which there applicants claim a fatent is in all material reshects are improvement whon this. The design of the Alk frame is to extend the bilk for drying and finishing and it is con-Implated to use it for all Kinds of goods which in the operation of dying require to be to extended. It is a wooden consisting of fourteen horts about four ject or more inheight connected by rails in such manner as to be perfetty ordice and firm. The opposite posts are connected by two strong rails of about hight feet in lengthth one at bottom and one within a few inches of the top well morticed and tenanted in the posts while two strong pieces of plank lying whow the bot town connecting rail leaving a shace of about two feet more or lef between them are firmly secured to these said bottom rails. Attrong rail is fastened to the hosts throughout the whole length of the frame and thus give it are require site soldity and firmnes. Whow the upper rail connecting the opposite posts which are placed at a distance of ten feet from port to hoch along the length of the frame are lein two prices of plank thely feet long and about eight or ten inches wide. These are made to move on Hide on these upper rails so that when the sill is at tacked to their inner edger they may be withdrawn from each other lite the requisite degree of tension is obtained

The mode in which the sick is attached to the edges of there cheeks and then the cheeks withdraww is as follows The inner edger of the Checks are covered by a thin plate of Copper about half an inch wide nicely attached therets hicty pieces of wood cut from board or plank pay from an unch to an inch and a half or two mohes thick about a food long on one side and cut wh in triangular form are adjusted to each cheek. The base being as above one fool in length it is attached by hinges to the superior surface of the Cheeks in such manner that the edge of the base will Coincide exactly with the inner edge of the check when the piece verts on the bare. On this too there is a copper Edging and thus this copper Edging when these pieces are raised whom their basis come closely in contact with the copper Redges along the line of the inner edges of the Cheeks, and by firm prefuse are made to hold the Delvidges of the silk de. To the outer side of there pieces which are called lah joints are attached some in stay, about sin or eight inches long being a tittle longer than the lahe frints are wide or high. Here stays are attached by a staple or eye to the wher hart of the lah joints and the fort of each is made to slide into a grove out in the superior surface of the Check and lined with copper so that by forcing the fort of the May into the grove the law joint is made to pref fromly whom the Solvidge of the silk when lain whom the Copper edge of the Cheek. The silk is first secured by one selvidge to one check, then the

other cheek being approximated fufficiently the operator in like manner applies the selvidge to the other check Edgo and Secures it by succepisely raining up and securing the lap wints . - The former cheek is furtined to the when rails by strong iron pins haping through this and the said connecting rails of thepointe hosts. The other check which is called the front cheek is then gradually withdrawn the the sik is perfectly extended. The mode of with drawing the front cheek is this. To this cheek opposite each food an of which on this side vise two feet above the cheeks are attached several hieres of fron long enough to haf through the fronts on which hieres of iron are cut Screw threads so that nuts being set in wheels and ap. plied to Said pieces of iron by the turning of all the what simultaneously and with equal velocity. the whole front cheek is gradually withdrawn tite the mohen degree of temiero in the silk is obtained. There wheels are put in motion by a chain band, carefully adjusted to What the link, thereof embrace projections in the periphere and the hower is applied indifferent by to either wheel by a him oric or eight inches long thereto attached to serve as a hundle or winch. There may be other moder of withdrawing the front check but the special subject of the Patent for which tetten are claimed is the mode of securing the silk as above

described by lah wints and the gradual and exact tension obtained by the withdrawing of the whole front cheek simultaneously and equally at our operation as afores aid. In these and in an material respects this frame is an improvement whow the his frame former. by in use, and also a frame that was constructed to hold the selvidges by pieces of board lain flat whom the Cheeks and proped by wooden & crews attaching them to the Cheeks. The Copper edges being a very considerable insprovement on this last mentioned frame which had become useles by reason of the absorption of the dige stuff in the wooden edges of the cheeks and slabs or boards above mentioned. The sith being thus extended The ends thereof are secured by a crop bar sets with him or by a piece of wood split so as to hold the ends and the whole is ready for the operation of drying and finishing which is done thus . - Mon the pieces of plant which are described as fastened whow the lower crop raits that con. nect opposite ports is placed a moveable car mining ou four wheels which is made to contain Gals and move at pleasure beneath the silk as the operator proceeds in the finishing. This being accomplished the sitt is delivered from the lap Souts by removing or Hiding away the Hays and may be immediately folded for use. William Barrete. Mitnehes Che Pelham lurtis William Barreto.

Geo bullio au

Loring Plurtis

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Dishict Clash's Office Partin My 10. 5 1820 Received the inguid Takent of which the within is a Copy, abner Hoarns by Gutullions This attorney manifested and the first of the in the same of the the first of the first property the said the and the second of the second o and the same that the state of the same of the same and the so the same after the law confirmed they was as amount to a property of the same of the same and the same and The second secon The state of the second and the printing with the second of the seco